

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY S. TURNER,

Plaintiff,

Case No. 1:13-cv-249

v

HON. JANET T. NEFF

P. JENSEN, et al.,

Defendants.

OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff alleges numerous claims under both state and federal law. Defendants filed a motion for summary judgment (Dkt 46), and the matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R, Dkt 106), recommending that this Court grant in part and deny in part Defendants' motion. The matter is presently before the Court on Defendants' objections to the Report and Recommendation (Objs., Dkt 124). Plaintiff did not object to the Report and Recommendation, nor has he filed a response to Defendants' objections. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which Defendants' objections have been made.

Defendants' objections merely reiterate and expand the positions Defendants asserted in their brief supporting the motion for summary judgment (Dkt 47), without demonstrating any factual or legal error in the Magistrate Judge's analysis that would warrant rejecting the Magistrate Judge's conclusions reached therein. Moreover, the Court determines that the Magistrate Judge thoroughly

considered the parties' arguments and properly analyzed the factual and legal support for Defendants' motion. Accordingly, the Court will adopt the Magistrate Judge's Report and Recommendation as the Opinion of this Court.

THEREFORE, IT IS ORDERED that Defendants' Objections (Dkt 124) are DENIED, and the Magistrate Judge's Report and Recommendation (Dkt 106) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (Dkt 46) is GRANTED IN PART and DENIED IN PART; specifically, (1) with respect to Plaintiff's claims claims under 42 U.S.C. §§ 1981, 1982, 1985, and 1986, Defendants' motion is GRANTED, and these claims are DISMISSED; (2) with respect to Plaintiff's claims under the Fourth, Fifth, Ninth, and Fourteenth Amendments, Defendants' motion is GRANTED, and these claims are DISMISSED; (3) with respect to Plaintiff's First Amendment retaliation and Eighth Amendment excessive force claims, Defendants' motion is DENIED, and these claims will go forward; and (4) with respect to Plaintiff's state-law claims, Defendants' motion is DENIED, and these claims will go forward.

Dated: April 28, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge